IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

And
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

TAKEN UP WRIT PETITION NO : 14091 of 2005

Between:

1 Ashok Babu, R/o. Street No. 4, Behind Deepak Mahal Theatre,

Narayanaguda, Hyderabad.
2 M.S.K. Raju, R/o. Street No. 4, Behind Deepak Mahal Theatre,

Narayanaguda, Hyderabad.
3 R. Srinivas, R/o. Street No. 4, Behind Deepak Mahal Theatre,

Narayanaguda, Hyderabad.
4 Badrinath, R/o. Street No. 4, Behind Deepak Mahal Theatre,

Narayanaguda, Hyderabad.

..... PETITIONERS

AND

1 The Special Officer, Municipal Corporation of Hyderabad, Hyderabad.
2 The Collector & District Magistrate, Hyderabad District at Hyderabad.
3 The Secretary, Hyderabad Urban Development Authority, Hyderabad.
4 The Secretary to Government of A.P., Municipal Administration

Department, Secretariat, Hyderabad.
5 K. Rajender, R/o. 3-5-1015, Narayanaguda, Behind Deepak Mahal Teatre,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an Order, direction, or a writ, more particularly one in the nature of Writ of Mandamus to call for the records and remarks from the Respondents herein relating to (i) illegal, construction of eight storied building in place of old house bearing Nos. 3-5-1015 and 3-5-1016 on the land admeasuring 428 square yards by one K. Rajender and his son, bribing the Officials of Municipal Corporation of Hyderabad and the Municipal Minister though they have obtained permission from the Municipal Corporation of Hyderabad for construction of 1 + 2 floors with usual set-backs in all directions, and also encroachment by them of the 'pial' in front of the old house and a part of the road, (ii) letting out the newly constructed multistoried building, which has no safety measures and devices, to Narayana Concept School which was opened only on 18-06-2005, by K. Rajender and his son, (iii) converting the cellar portion into class rooms without leaving space for parking purpose, and thereby causing inconvenience to the local residents, vehicle owners coming to drop their children, parking vehicles by School Staff, blocking the narrow lane, (iv) encroachment of the road by the owner of a House No. 3-5-965 opposite to the school, (v) inaction of the Municipal Corporation of Hyderabad on the oral and written complaints made by the Petitioners herein, and threatening by K. Rajender and his son to the Petitioners herein, and this Hon'ble Court is requested to pass appropriate orders directing the concerned authorities to take suitable steps in safeguarding the life of the children, and in removing the illegal structure by the Municipal Corporation of Hyderabad in the interest of Justice and to pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : PETITION/LETTER

Counsel for the Respondent No.1 : MR.GHANTA RAMA RAO

Counsel for the Respondent No.2 : GP FOR HOME

The Court made the following :

ORDER : (Per Hon'ble Sri Bilal Nazki, ACJ)

A letter was received by this Court, in which it was alleged that respondent No.5 had made constructions without the permission of the Municipality. The Counsel for respondent No.1 accepts that the constructions were in violation of the permission, but the respondent No.5 had filed a suit being O.S.No.5619 of 2003, which has been decided on 21.3.2005. On last occasion he submitted that he had not the copy of the judgment and the Municipality had applied on 21.3.2005, therefore, we summoned the copy of the judgment. That has not been received. But now he submits that the 1st application was made in April 2005, which was struck off because of some objections. Then an application was made on 4.7.2005 and a copy has been furnished on 15.7.2005. In this view of the matter, the order dated 15.7.2005 is recalled.

We have perused the judgment. We do not want to comment on the judgment, because the counsel for respondent No.1 submits that this judgment has been challenged by way of an appeal today. Therefore, the matter is disposed of.

(BILAL NAZKI, ACJ)

18th July 2005.

(G.CHANDRAIAH, J)

ajr

To

1 The Special Officer, Municipal Corporation of Hyderabad, Hyderabad.
2 The Collector & District Magistrate, Hyderabad District at Hyderabad.
3 The Secretary, Hyderabad Urban Development Authority, Hyderabad.
4 The Secretary to Government of A.P., Municipal Administration

Department, Secretariat, Hyderabad.
5 Two C.Cs. to the GP for Home, High Court of AP, Hyderabad (OUT)

6 Two C.D. copies.